



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO:** L. RICHARD MARTIN, JR.  
Virginia Department of Social Services

**FROM:** ALLEN T. WILSON  
Assistant Attorney General

**DATE:** July 8, 2003

**SUBJECT:** Repeal of Regulation 22 VAC 15-50-10 et seq.  
Proposed Regulation 22 VAC 15-51-10 et seq.  
Background Checks for Licensed Child Day Centers

I have reviewed the repeal of 22 VAC 15-50-10 et seq., as well as the proposed replacement regulation, 22 VAC 15-51-10 et seq., to determine if the Child Day Care Council ("Council") has the statutory authority to promulgate the proposed regulation and if the proposed regulation comports with applicable state law.

Virginia Code §§ 63.2-1734 and 63.2-1735 mandate that the Council promulgate regulations for the licensure and operation of child day centers. It appears that the Council has the authority to repeal 22 VAC 15-50-10 et seq. and promulgate the proposed regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 21 (2002), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-3890.